James P. Gaughan

Partner

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The fact that you have a sense of humor about your job doesn't mean that you don't take it seriously. In fact, anyone who understands the legal profession knows that it's difficult to be an effective litigator unless you do have a sense of humor. Jim Gaughan is proof of that theory. And the fact that he enjoys winter in Chicago is proof that he has a sense of humor.

Jim is a tough, talented, and experienced commercial litigator who has used his considerable experience and equanimity to successfully represent clients in a wide range of complex and challenging class action lawsuits in jurisdictions across the country. He is relentless about preparation and tactics, constantly weighing and analyzing the respective strengths of his clients, as well as their adversaries, in order to create the most effective and efficient legal strategies.

Jim has a passion for delivering success to his clients. His class action work is extensive and includes the defense of Telephone Consumer Protection Act (TCPA) claims, challenges to insurance claim handling and underwriting practices, RICO claims, and environmental disputes. His general litigation practice is broad and includes the defense and prosecution of tax disputes, challenges to corporate structure of related companies, insurance bad faith claims, corporate raiding claims, charges of fraud and malfeasance against corporate officials, partnership disputes, and legal malpractice claims.

EXPERIENCE

Jim is a commercial litigator with more than 35 years of experience and has a concentration in class action defense. He assists a broad base of clients, including insurance companies, financial institutions, and public utilities in jurisdictions throughout the nation with a wide range of disputes. In addition to his general litigation practice, Jim has significant experience defending alleged class actions.

Representative Engagements

- Alleged Telephone Consumer Protection Act violations, including those based on vicarious liability theories.
- A series of alleged nationwide and state specific class actions involving the purported entitlement to the payment of general contractor's overhead and profit under homeowner's insurance policies.
- Asserted state and nationwide class actions demanding payment under automobile insurance policies for any loss in value to a vehicle despite proper repairs.
- A series of putative class actions claiming insurers did not fully reimburse Medical Advantage Organizations for the medical expenses they paid.
- Various purported class actions challenging automobile repair estimates prepared by insurance companies.

- Several class actions challenging the value of certain automobile and homeowner insurance coverage and the amount of premiums charged.
- Asserted class actions attacking the use of house counsel to defend policyholders under their insurance policies.
- Purported class action against oil, gas, chemical, and energy companies claiming the damage caused by Hurricane Katrina was the result of global warming.
- Putative class action against municipality seeking to hold it responsible for sanitary and storm sewer overflows.
- *Lazenby v. Mark's Construction*, 236 Ill. 2d 83 (2010) (summary judgment in favor of homeowner sued in connection with injury to firefighter)
- *Snyder v. Acord*, 648 Fed. App. 710 (10th Cir. 2017) (affirming dismissal of claim alleging conspiracy to underinsure and underpay homeowner's claims)
- *Comer v. Murphy Oil USA*, 718 F.3d 460 (5th Cir. 2013) (dismissal of alleged class action claiming the damages arising from Hurricane Katrina resulted from global warming which was allegedly increased by the activities of various oil, gas, chemical, and energy companies)
- *Muhammad v. Oliver*, 547 F.3d 874 (7th Cir. 2008) (affirmed, with sanctions later awarded, dismissal of alleged breach of joint venture agreement)
- *Arezina v. City of Elmhurst*, 2013 IL App. (2d) 120572-U (affirmed dismissal of purported class action seeking to hold municipality liable for sewer overflows)
- *Everest National Insurance Company v. Rockhill Insurance Company*, 2016 WL 8914546 (M.D. Fla. November 10, 2016) (denial of preliminary injunction in connection with the hiring of a wholesale property team from a competitor)
- *Jacobs v. Waddell*, 2014 WL 6607183 (E.D. Mo. November 19, 2014) (dismissal of alleged class action against manufacturer claiming violations of the Telephone Consumer Protection Act)
- *A.I. Credit Corp. v. Hartford Computer Group, Inc.*, 847 F. Supp. 588 (N.D. Ill. 1994) (sustaining in all material respects RICO action of lenders against loan broker and its officer)

CREDENTIALS

Education

Loyola University Chicago School of Law, J.D., 1990, *cum laude*
University of Chicago, B.A., Economics, 1987, *with honors*

Bar Admissions

Illinois
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Sixth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Eighth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Tenth Circuit
U.S. District Court for the Eastern District of Arkansas
U.S. District Court for the Western District of Arkansas
U.S. District Court for the Northern District of Illinois (Trial Bar)
U.S. District Court for the Southern District of Illinois

U.S. District Court for the Central District of Illinois
U.S. District Court for the Northern District of Indiana
U.S. District Court for the District of Nebraska

Professional Memberships

Chicago Bar Association
Illinois State Bar Association
Litigation Counsel of America

Honors & Awards

Award for Excellence in Pro Bono Service and Public Interest Service, *United States District Court, Northern District of Illinois and the Chicago Bar Chapter of the Federal Bar Association*

The Best Lawyers in America, *Best Lawyers®* (Commercial Litigation, 2022-2027; Mass Tort Litigation / Class Actions – Defendants, 2027)

Illinois Leading Lawyer in Class Action/Mass Tort Defense Law and Commercial Litigation, *Law Bulletin Media Leading Lawyers* (2013-2026)

Illinois Super Lawyer in Class Action & Mass Torts and General Litigation, *Super Lawyers* (2025-2026)